

Prof. Howard Crosby 159 Broadway

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OF THE

Proceedings of the Alumni of Columbia College;

AND

AN ANSWER

TO THE PAMPHLET ENTITLED

THE DUTY OF COLUMBIA COLLEGE
TO THE COMMUNITY;

AND

ITS RIGHT TO EXCLUDE UNITARIANS FROM ITS PROFESSOR-
SHIPS OF PHYSICAL SCIENCE.

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REVIEW, &c.

ON *Sunday* (twenty-second day of April,) a most extraordinary publication appeared in the *Herald*. It purported to be the proceedings of the meeting of the Alumni of Columbia College, at the Chapel of the College, on the call of the Trustees, for the purpose of concerting measures for the celebration of the approaching centennial anniversary of the College; and instead of consulting together to promote the object for which they were assembled, the Alumni organized themselves into a public meeting, appointed a Chairman and Secretary, and passed a set of resolutions *censuring* the Trustees of the College for not appointing to the professorship of Chemistry and Natural and Experimental Philosophy Dr. Wolcott Gibbs, whom they, the Alumni, had recommended to the appointment: being of opinion that their recommendation should have had great weight with the Trustees in making the appointment; requesting the Trustees who had voted against or resisted the appointment of Dr.

Gibbs because they could not conscientiously assist in the election of a *Unitarian* to the vacant professorship, to examine and decide whether they can conscientiously hold office in the College; that the Trustees, by the course adopted by them, have deserved the severest condemnation of the Alumni; and that it is not expedient for the Alumni to join in the proposed celebration, until an understanding is had with the Trustees, as to the spirit of the proposed celebration, and as to the future governance of the College: that is to say, those gentlemen resolve that their recommendation of a candidate for a professorship *should have had great weight with the Trustees*; that not having received such consideration as they think it was entitled to, the Trustees are *virtually recommended to resign their offices*; and that the Alumni will not unite in the proposed celebration, until an understanding is had with the Trustees *as to the future governance of the College*. An unparalleled climax of assurance and self-complacency; and that too in a matter in which the Alumni are utterly wrong in every particular, as it is trusted will be satisfactorily shown to every unprejudiced reader.

The whole matter of complaint on the part of the Alumni is, that a majority of the Trustees of the College refused to vote for *Dr. Wolcott Gibbs* as a Professor of Chemistry on the ground that in his religious tenets he is a *Unitarian*, and that they elected another individual to the vacant professorship.

This conduct of the Trustees the Alumni denounce as evincing *a spirit of intolerance*, and as being *in violation of law*. Whatever *intolerance of opinion* there may be in this transaction, will be found to lie wholly with the Alumni, in not permitting the Trustees of a College to exercise their discretion, in refusing to elect to a prominent station as an instructor in an institution of learning, an individual whose religious tenets they disapprove. Is it not absurd that such a pretext of censure should be advanced? We have in this land Episcopalian, Presbyterian, Methodist, Baptist and Roman Catholic Colleges, all professing on the subject of religion to be *Trinitarian*; and is it possible that the Alumni can believe that the refusal of the Trustees of either one of those Colleges to elect to an important professorship a man holding religious tenets which they disapprove, evinces a spirit of intolerance? Whatever may be the opinion of those Alumni according to their enlightened and liberal views on the subject of religion, they may rest assured that men of all denominations of Christians in this country except the Unitarians, who feel an anxiety for the existence of religion, would shudder for the hope of the world was the belief subverted or even shaken, which now generally prevails amongst Christians: that the second person of the Holy Trinity is the only begotten Son of God; begotten of his Father before all worlds; God of God; Light of Light; very God of very God; begotten not made; being of one substance with the

Father. Who thus viewing the subject, having a voice in the matter, would think of placing in the position of an instructor in an institution of learning, a man wholly disbelieving the doctrine of the Trinity; although elected to lecture *only* upon Chemistry and Natural Philosophy? At all events, no one has a right to censure a Trustee of a College who refused to elect as one of its professors an individual holding religious tenets at war with the general sense of the religious world, infringing what Christians generally deem a fundamental principle of their faith, let the qualifications of the candidate be what they may. Not only has no one a right to censure in such a case; but it is the height of presumption in a Christian community to dare to do so.

Now as to the *violation of law* with which the Trustees are charged in refusing to vote for Dr. Gibbs, on the ground of his being a *Unitarian*, let us see in what the violation consists. It is said that Columbia College and all other Colleges in the State, are prohibited by law from making the religious tenets of any person, a condition of admission to any privilege or office in the College; are prevented from excluding any person of any religious denomination whatever from any of the degrees, privileges and immunities of the College on account of his peculiar tenets in matters of religion; and are prohibited from imposing a religious test upon candidates for office. These are the different forms in which the charges are brought for-

ward by the Alumni. There is, however, but one legal enactment on the subject in force, and that is in these words: "No religious qualification or test shall be required from any Trustee, President, Principal, or other officer of an incorporated College or Academy, or as a condition of admission to any privilege in the same;" 2 *Revised Statutes*, 463, § 49; and therefore in determining the question whether the Trustees, in refusing to vote for Dr. Gibbs, have violated the law of the land, this statute must be the guide.

Now what does this statute prohibit? Does it prohibit the Trustees of a College from exercising their discretion in the selection of a Professor, in reference to his religious tenets? It cannot be pretended that it contains such a prohibition. As observed before, it would be absurd if it did. What then is the meaning of the law? It is that *no religious qualification or test shall be required from any person after his election to an office in an incorporated College or Academy, or as a condition for admission to any privilege in the same.* The language of the act is technical, in speaking of a *religious qualification or test* and of a *condition for admission*: and to understand it, we must, as lawyers do, look and see what was the law previous to the enactment, what was the mischief resulting from it, and what the remedy intended to be effected. By the law of England the better to *secure the Established Church* against perils from non-conformity of all denominations: Infidels, Turks, Jews, Heretics, Papists

and Sectaries, there were two bulwarks, as it was supposed, erected by the British Parliament, called the *Corporation* and *Test* Acts; by the former of which no person could be legally elected to any office relating to the government of any city or *corporation*, unless within a twelvemonth before, he had received the sacrament of the Lord's Supper according to the rites of the Church of England; and he was also enjoined to take the oaths of *allegiance* and *supremacy* at the same time that he took the oath of office, or in default thereof his election was declared void. The other, the *Test Act*, directed all officers, civil and military, to take the oaths and make the *declaration against transubstantiation* within six calendar months *after their admission*; and also within the same time to receive the sacrament of the Lord's Supper according to the usage of the Church of England, upon forfeiture of £500, and disability to hold the office. Thus we learn the meaning of the words in our statute, of *religious qualification* or *test*, and *condition for admission* to an office or privilege in an incorporated College or Academy; and having learnt the meaning of those words, we learn that the effect of our statute is to abolish the *religious qualification* or *test* which before existed, and nothing more. It is further worthy of observation, that the enactment in the Revised Statutes, is but a re-enactment of the law on this subject passed in 1787, shortly after the close of the revolutionary war, as its terms clearly show that the inten-

tion was *merely* to abolish the operation of the *Corporation* and *Test Acts* in this State. The Act of 1787 enacts that no President or Professor of any College or Academy, recognized by the Act, shall be ineligible for or by reason of any religious tenet or tenets that he may or shall profess; *or be compelled by any law or otherwise to take any test oath whatsoever*. By this act it is enacted that no person shall be ineligible as President or Professor of any College by reason of any religious tenet or tenets he may or shall profess; that is, if *the constituency think proper to elect him*, his religious tenets, be they what they may, *shall not be objected against his admission to the office*; and that is the whole meaning of the law. Its sole object is to prevent the building up of an Established or National Church in this country, to which all other churches should be made to succumb. It did not mean to declare, as is absurdly contended by the Alumni, that it would be *unlawful* in the constituency or any portion of it to object to the *religious tenets* of a candidate for the office of President or Professor, and refuse to vote for him if those religious tenets were disapproved or condemned by the constituency or a majority of it.

The right of a Trustee to inquire into the *religious tenets* of a candidate, and if he disapproves of such tenets to refuse to vote for such candidate, is not interfered with by the Act of the Legislature, nor was it intended to be interfered with. The exercise of such

right is not the subject of legislation; it would be the grossest tyranny and oppression to *compel* a Trustee to *elect* any person whatever, and more especially would it be so to compel him to elect an individual holding religious tenets which he abhors. The Legislature have made no such requirement; but the Alumni have made it, and because a majority of the Trustees of Columbia College have thought fit to refuse to appoint an individual, whose religious tenets they disapproved, the Alumni virtually resolve that the majority of the Trustees *deserve their severest condemnation*, and that it is not expedient for the Alumni to join in the proposed celebration of the centennial anniversary of the College, *until* an understanding is had with the Trustees as to the spirit of the proposed celebration and of *the future governance of the College*. Who can withhold his laughter?

It may be well for a few moments to notice a huge pamphlet of 54 pages on the same subject, sent out by Mr. Samuel B. Ruggles, a Trustee of Columbia College, under his proper name (copyright secured), by way of expostulation, bugbear, or whatever else it may be called, previous to the final vote on the subject of electing a Professor of Chemistry, in which it is said a majority of the Trustees refused to vote for Dr. Gibbs, on account of his holding the religious tenets of a *Unitarian*.

In attempting to show that the Trustees should not be influenced by their disapproval of the religious

tenets held by Dr. Gibbs, in deciding upon the question whether he ought not to be elected a Professor of Chemistry in the College, Mr. Ruggles says: "*In the first place, Dr. Gibbs is not an infidel,*" and then proceeds to argue that he may be a *heretic*, but that he certainly is not an *infidel*. As much may be said for a *Mahometan*; but, surely, had Mr. R. given the subject a little reflection he would not have urged the above as a reason to persuade his fellow Trustees to forego their objections to the appointment of the candidate of the Alumni. But, allowing him to be a *heretic*, he ought not, said Mr. R., to be deprived of his eligibility to office, nor ought his heresy to be noticed by any individual until he had been duly tried and his heresy judicially established. In proof of this position he refers to the writ, *de hæretico comburendo*, to show that the prior adjudication by the Bishop was indispensable, and that the heretic could *not be lawfully burned* without it. Confession is certainly equivalent to a judicial conviction, and that the Trustees had; and inasmuch as they did not resolve to burn Dr. Gibbs as a heretic, but simply to appoint another person, instead of him, Professor of Chemistry, it surely cannot be objected that the Trustees had not sufficient authority for their doings.

Throughout the whole discussion of this question, it is assumed by Mr. R. that the refusal of the majority of the Trustees to vote for Dr. Gibbs as a candidate for the Professorship of Chemistry, on account of his

religious tenets, was the assumption of a few members of the Board of Trustees to adjudicate that he who does not believe the triune existence of the Supreme Being is not a Christian, and thereby is disqualified from teaching Chemical Science; that it was *a rejection and branding of him as unfit to teach*, and a *condemnation and punishment* of him on account of his religious tenets. Now it is submitted to all reasonable men that this view of the transaction is entirely unwarranted. The refusal of the majority to vote for Dr. Gibbs is not susceptible of this interpretation. It neither *branded Dr. Gibbs as unfit to teach*, nor *condemned or punished him* on account of his religious tenets. It is an abuse of terms to apply such language to such a transaction. The majority of the Trustees of the College refused to concur in his appointment, being of opinion that it was not fit or expedient to elect an individual to an important professorship, whose religious tenets were those of a *Unitarian*. That they had *a right*, nay, that it was *their duty* thus to act, is, and must of necessity be the opinion of all men who are believers in the *Trinity*, and of all men who duly appreciate and deeply feel the duty of supporting what may be called *the religion of the country* they inhabit, for that the religion of this country is *Trinitarian*, cannot with truth be denied. It may well be imagined that *Unitarians* generally do not concur in those sentiments; and that there may also be *Episcopalians* who do not, though, like the author of the

pamphlet under review, they make a public profession of their faith in the doctrines of the Protestant Episcopal Church; men who are of opinion that the religious tenets of a Professor of a College are a matter of indifference, although such tenets are *adverse* to the tenets of the great body of the religious denominations of the country: virtually holding with the author of the pamphlet under review, that although "a heretic or an infidel might not be selected in such a College (*i. e.*, a Church College), to teach Ecclesiastical History or Moral Philosophy, for the reason that his religious belief, or want of belief, might prevent his teaching what the Church holds true; but in the sciences purely physical, the religious creed of the Professor would be *wholly irrelevant and unimportant.*" Page 35.

No censure is intended to be pronounced by this publication upon the Trustees who voted for Dr. Gibbs; neither their conduct nor motives are assailed. Acting in the liberal spirit of the age, they were willing to avow their freedom from what is called a spirit of sectarianism, forgetful, it is feared, of the lamentable consequences to the cause of religion, for upon a question of this nature, sectarianism and religion are but convertible terms. The whole object of this publication is purely defensive, and in justification of the course pursued by the majority of the Trustees.

And here the writer hopes he may be indulged to say, that no one in this wide land beyond himself,

cherishes feelings of more sincere charity for the opinions of his fellow-men, who seek a knowledge of religion in order to learn and practise its duties. Him who feareth God, and worketh righteousness, he hails as a brother, let his religious tenets be what they may; and he prays that by such a one, he himself may be received as a brother. But, notwithstanding such are his sentiments, if his fellow-man in this Christian land, holds and professes opinions on the subject of religion *radically at variance with the general sense of the religious portion of the country*, the writer would deem it wrong to place such an individual as a teacher in an institution of learning, where his opinions might and probably would influence his pupils, although he went not there as a propagandist. The more learned and accomplished and amiable such a man, the greater the danger.

There is much left in the pamphlet to comment upon, but time would fail to do so. The author has a fund of knowledge, is possessed of a prolific mind, is ingenious, plausible, and a beautiful writer, and it is therefore a subject of sincere regret, that a man possessing such endowments and accomplishments was not better employed than in endeavoring to mislead public opinion. He assumes the attitude of an avenger of a great outrage, whereas he is wrong in every position he assumes, except that the Trustees are inexcusable in teaching Experimental Philosophy in a dark,

damp basement, where its apparatus rusts and perishes, and the health of professor and pupils is endangered; and in insisting that optics may be better taught in an apartment that the light of heaven can enter.

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